

Senate File 2172 - Introduced

SENATE FILE 2172
BY DANIELSON

A BILL FOR

1 An Act relating to licensure of persons for the installation
2 and maintenance of geothermal heat pump systems and making
3 penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 105.2, Code Supplement 2009, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 4A. *“Geothermal heat pump system”* means a
4 central heating or cooling system that pumps heat to or from
5 the ground, using the earth as a heat source in heating season
6 or a heat sink in cooling season.

7 Sec. 2. Section 105.10, subsection 1, Code Supplement 2009,
8 is amended to read as follows:

9 1. Except as provided in section 105.11, a person shall not
10 operate as a contractor or install or repair plumbing, HVAC,
11 refrigeration, ~~or~~ hydraulic systems, or geothermal heat pump
12 systems without obtaining a license issued by the board, or
13 install or repair medical gas piping systems without obtaining
14 a valid certification approved by the board.

15 Sec. 3. Section 105.10, subsection 5, Code Supplement 2009,
16 is amended by striking the subsection.

17 Sec. 4. Section 105.17, subsection 1, paragraph b, Code
18 Supplement 2009, is amended to read as follows:

19 *b.* On and after July 1, 2008, a governmental subdivision
20 shall not prohibit a contractor or a plumbing, HVAC,
21 refrigeration, ~~or~~ hydraulic, or geothermal heat pump
22 system professional licensed pursuant to this chapter from
23 performing services for which that person is licensed pursuant
24 to this chapter or enforce any plumbing, ~~and~~ mechanical
25 professional, or geothermal heat pump system licensing
26 provisions promulgated by the governmental subdivision against
27 a person licensed pursuant to this chapter.

28 Sec. 5. Section 105.18, Code Supplement 2009, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 2A. *Geothermal heat pump system*
31 *licenses.* The board shall by rule provide for the issuance of
32 a license for persons who install, alter, repair, maintain,
33 relocate, or replace geothermal heat pump systems. The rules
34 shall require certification pursuant to industry accredited
35 installer certification standards recognized by the United

1 States department of energy.

2 Sec. 6. Section 105.18, subsection 3, paragraphs a and b,
3 Code Supplement 2009, are amended to read as follows:

4 a. The board may issue single or combined licenses to
5 persons who qualify as a contractor, master, journeyperson, or
6 apprentice under any of the disciplines under subsection 2.

7 b. (1) Special, restricted license. The board may by rule
8 provide for the issuance of special plumbing and mechanical
9 professional licenses authorizing the licensee to engage in a
10 limited class or classes of plumbing or mechanical professional
11 work, which class or classes shall be specified on the
12 license. Each licensee shall have experience, acceptable to
13 the board, in each such limited class for which the person is
14 licensed. The board shall designate each special, restricted
15 license to be a sublicense of either a plumbing, HVAC,
16 refrigeration, or hydronic license. An individual holding a
17 master or journeyperson, plumbing, HVAC, refrigeration, or
18 hydronic license shall not be required to obtain any special,
19 restricted license which is a sublicense of the license
20 that the individual holds. Special plumbing and mechanical
21 professional licenses shall be issued to employees of a
22 rate-regulated gas or electric public utility who conduct the
23 repair of appliances. "*Repair of appliances*" means the repair
24 or replacement of mechanical connections between the appliance
25 shutoff valve and the appliance and repair of or replacement
26 of parts to the appliance. Such special, restricted license
27 shall require certification pursuant to industry-accredited
28 certification standards.

29 (2) A special, restricted license shall not be issued for
30 the installation, alteration, repair, maintenance, relocation,
31 or replacement of geothermal heat pump systems.

32 Sec. 7. Section 105.21, Code Supplement 2009, is amended to
33 read as follows:

34 **105.21 Reciprocal licenses.**

35 The board may license without examination a nonresident

1 applicant who is licensed under plumbing, HVAC, refrigeration,
2 ~~or hydronic, or geothermal heat pump system~~ professional
3 licensing statutes of another state having similar licensing
4 requirements as those set forth in this chapter and the rules
5 adopted under this chapter if the other state grants the same
6 reciprocal licensing privileges to residents of Iowa who
7 have obtained Iowa plumbing, ~~or mechanical professional, or~~
8 geothermal heat pump system licenses under this chapter. The
9 board shall adopt the necessary rules, not inconsistent with
10 the law, for carrying out the reciprocal relations with other
11 states which are authorized by this chapter.

12 Sec. 8. Section 105.22, unnumbered paragraph 1, Code
13 Supplement 2009, is amended to read as follows:

14 A license to practice as a contractor or as a plumbing,
15 HVAC, refrigeration, ~~or hydronic, or geothermal heat pump~~
16 system professional may be revoked or suspended, or an
17 application for licensure may be denied pursuant to procedures
18 established pursuant to chapter 272C by the board, or the
19 licensee may be otherwise disciplined in accordance with that
20 chapter, when the licensee commits any of the following acts
21 or offenses:

22 Sec. 9. Section 105.22, subsection 8, Code Supplement 2009,
23 is amended to read as follows:

24 8. Aiding and abetting a person who is not licensed pursuant
25 to this chapter in that person's pursuit of an unauthorized
26 and unlicensed plumbing, HVAC, refrigeration, ~~or hydronic, or~~
27 geothermal heat pump system professional practice.

28 Sec. 10. Section 105.25, subsections 1, 3, and 4, Code
29 Supplement 2009, are amended to read as follows:

30 1. Only a person who is duly licensed pursuant to this
31 chapter may advertise the fact that the person is licensed as a
32 contractor or as a plumbing, HVAC, refrigeration, ~~or hydronic,~~
33 or geothermal heat pump system professional by the state of
34 Iowa.

35 3. A person who fraudulently claims to be a licensed

1 contractor or a licensed plumbing, HVAC, refrigeration,
2 ~~or hydronic~~, or geothermal heat pump system professional
3 pursuant to this chapter, either in writing, cards, signs,
4 circulars, advertisements, or other communications, is guilty
5 of a simple misdemeanor.

6 4. A person who fraudulently lists a contractor or a master
7 plumbing, HVAC, refrigeration, or hydronic license number in
8 connection with that person's advertising or falsely displays
9 a contractor or a master plumbing, HVAC, refrigeration, or
10 hydronic professional license number, or falsely displays a
11 geothermal heat pump system professional license number, is
12 guilty of a simple misdemeanor. In order to be entitled to use
13 a license number of a master plumbing, HVAC, refrigeration,
14 or hydronic professional, the master plumbing, HVAC,
15 refrigeration, or hydronic professional must be employed by the
16 person in whose name the business of designing, installing, or
17 repairing plumbing or mechanical systems is being conducted.

18 Sec. 11. Section 105.29, Code Supplement 2009, is amended
19 to read as follows:

20 **105.29 Report of violators.**

21 Every licensee and every member of the board shall report
22 to the board the name of every person who is practicing as
23 a contractor or as a plumber, ~~or mechanical professional~~, or
24 geothermal heat pump system professional without a license
25 issued pursuant to this chapter pursuant to the knowledge
26 or reasonable belief of the person making the report. The
27 opening of an office or place of business for the purpose of
28 providing any services for which a license is required by this
29 chapter, the announcing to the public in any way the intention
30 to provide any such service, the use of any professional
31 designation, or the use of any sign, card, circular, device,
32 vehicle, or advertisement, as a provider of any such services
33 shall be prima facie evidence of engaging in the practice of
34 a contractor or a plumber, ~~or mechanical professional~~, or
35 geothermal heat pump system professional.

EXPLANATION

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Iowa law, Code chapter 105, currently licenses persons who design, install, and repair the HVAC, refrigeration, or hydronic systems, or who serve as contractors of those systems. This bill provides separate licensure under Code chapter 105 for the installation, alteration, repair, maintenance, relocation, or replacement of geothermal heat pump systems. A geothermal heat pump system is a central heating or cooling system that pumps heat to or from the ground, using the earth as a heat source in heating season or a heat sink in cooling season.

The bill requires the plumbing and mechanical systems board to adopt rules for the licensure of persons who install, alter, repair, maintain, relocate, or replace geothermal heat pump systems. The rules require certification pursuant to industry accredited installer certification standards recognized by the United States department of energy.

Currently, a violation of Code chapter 105 is a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$65 but not more than \$625 or both. In addition, the board may impose a civil penalty not to exceed \$5,000 per offense for certain violations of Code chapter 105.